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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	Criminal No. 4-04-CR-335
)	
Plaintiff,)	
)	
vs.)	<u>INFORMATION</u>
)	
)	T. 18, U.S.C., § 371
JOSHUA ABELL,)	T. 18, U.S.C., § 2319(b)(1)
)	T. 17, U.S.C., § 506(a)(1)
Defendant.)	

THE UNITED STATES ATTORNEY CHARGES:

Count 1
(Conspiracy)

I. Background.

1. At all times relevant to this Information, the defendant, JOSHUA ABELL possessed, maintained, or had access to one or more computers connected to the Internet and communicated online using an alias.

II. Object of the Conspiracy,

2. From on or about January 2003 through on or about April 2004, in the Southern District of Iowa and elsewhere, the defendant, JOSHUA ABELL, and others known and unknown to the government (hereafter the "Conspirators") did knowingly and willfully conspire, combine, confederate, and agree to commit an offense against the United States, to wit, to willfully infringe the copyright of a copyrighted work for purposes of commercial advantage and private financial gain, by reproducing and distributing during a 180-day period ten (10) or more copies of one or more copyrighted works, which have a total retail value of more than \$2,500, in violation of 18 U.S.C. § 2319(b)(1), and 17 U.S.C. § 506(a)(1).

III. Manner and Means of the Conspiracy.

3. It was a part of the conspiracy that the defendant, JOSHUA ABELL, and the other Conspirators were participants in the “warez scene,” *i.e.*, individuals and organized groups of individuals (“warez groups”) who engage in the duplication, modification, reproduction, and distribution of copyright protected software over the Internet, in violation of federal copyright law.

4. It was further a part of the conspiracy that the defendant, JOSHUA ABELL, and the other Conspirators would obtain access to “pirated” software, *i.e.*, computer software, games, movies, and music files, that had been “cracked,” *i.e.*, had their copyright protections removed or circumvented by other participants in the warez scene. The defendant, JOSHUA ABELL, and the other Conspirators would then distribute such pirated software to certain file storage sites (“FTP sites”) on the Internet for others to access, reproduce, and distribute. In exchange for uploading files to an FTP site, the defendant, JOSHUA ABELL, would obtain access to additional files located on that FTP site for downloading for his own use and benefit.

5. It was further a part of the conspiracy that the defendant, JOSHUA ABELL, and the other Conspirators would establish and maintain certain FTP sites for the purpose of receiving, storing, and distributing pirated software. In particular, it was a part of the conspiracy that the defendant, JOSHUA ABELL, acted as a courier for two warez supplier groups and transferred or assisted in the transfer of numerous software titles to the main warez site where said software was then made available to other individuals.

IV. Overt Acts

6. In furtherance of the above conspiracy, and in order to effectuate the objects thereof, the

following overt acts, among others, were committed within the Southern District of Iowa and elsewhere:

a. From on or about January 2003 through on or about April 2004, the defendant, JOSHUA ABELL, and other Conspirators established and maintained a warez site in the District of New Jersey for the purpose of uploading, storing, and downloading pirated software. In total, over the course of the above conspiracy, the Conspirators distributed approximately 13,000 individual copyrighted works to and from the New Jersey warez site, with many of those copyrighted works being reproduced and distributed more than once.

b. From on or about August 2003 through on or about April 2004, the defendant, JOSHUA ABELL, transferred or assisted in the transfer of approximately 581 software titles to the warez computer located in New Jersey with the knowledge and intent that those copyrighted works would be further accessed, reproduced, and distributed by additional Conspirators.

c. From on or about August 2003 through on or about April 2004, the defendant, JOSHUA ABELL, transferred or assisted in the transfer of approximately 621 software titles from the warez computer to other computers including his personal computer located in his residence in San Antonio, Texas.

d. From on or about January 2003 through on or about April 2004, the defendant, JOSHUA ABELL, and other Conspirators operated and maintained a computer system known as an "Internet Relay Chat" (IRC) for the purpose of communicating with one another and to assist in accessing and managing the warez site.

This is a violation of Title 18, United States Code, Section 371.

THE UNITED STATES ATTORNEY FURTHER CHARGES:

COUNT 2

(Criminal Infringement of a Copyright)

From on or about January 2003 and continuing through on or about April 2004, in the Southern District of Iowa, and elsewhere including to and from the New Jersey warez site, the defendant, JOSHUA ABELL, during a 180-day period did willfully reproduce and distribute at least ten infringing copies of one or more copyrighted works, with a total retail value of more than \$2,500, for purposes of private financial gain.

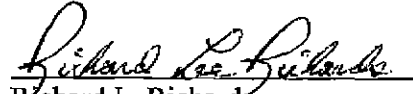
This is a violation of Title 17 United States Code, Section 506(a)(1) and Title 18 United States Code, Section 2319(b)(1).

A TRUE INFORMATION.

United States of America

Matthew G. Whitaker
United States Attorney

By:


Richard L. Richards
Assistant United States Attorney